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ATTORNEYS FOR APPELLANT:

STEVE CARTER
Attorney General of Indiana

CYNTHIA L. PLOUGHE
Deputy Attorney General
Indianapolis, Indiana

ATTORNEY FOR APPELLEE:

THOMAS R. THOMAS, SR.
Guilfoyle & Thomas
Jeffersonville, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

STATE OF INDIANA,)
)
Appellant-Defendant,)
)
vs.)
)
CYNTHIA CAMBRON,)
)
Appellee-Plaintiff.)

No. 62A01-0707-CR-311

APPEAL FROM THE PERRY CIRCUIT COURT
The Honorable Edward A.Campbell, Senior Judge
Cause No. 62C01-0412-FA-01095

December 28, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

The Perry Circuit Court granted a petition filed by Cynthia Cambron (“Cambron”) to modify her sentence. The State appeals and claims that the trial court’s actions are contrary to the express terms of Cambron’s plea agreement. Concluding that the issue presented is moot, we dismiss.

Facts and Procedural History

On December 16, 2005, Cambron agreed to plead guilty to Class B felony dealing in methamphetamine. Pursuant to the agreement, Cambron was to receive a twelve-year sentence, with six years executed and six years suspended. Paragraph 15 of the plea agreement provided that Cambron reserved the right to petition the trial court to modify her sentence “after serving half or three (3) years of her executed sentence.”¹ Appellant’s App. p. 47. Before accepting the plea agreement, the trial court questioned the parties regarding the meaning of this provision. Both the State and Cambron informed the trial court that it was their understanding that Cambron would be able to petition the trial court to modify her sentence after serving three years worth of time, including good-time credit, i.e. eighteen months of actual time. The trial court accepted the plea agreement and sentenced Cambron accordingly on March 29, 2006.

Instead of waiting eighteen months, Cambron filed a petition to modify her sentence on November 17, 2006, only eight and a half months later. The State filed an objection thereto on November 30, 2006, arguing that Cambron had filed her petition too

¹ Paragraph 15 of the plea agreement reads in full:

The Defendant reserves the right to file a petition to modify her sentence after serving half or three (3) years of her executed sentence, and the State reserves the right to object. If the Defendant files a petition to modify her sentence, the decision to modify the sentence will be left to the discretion of the Court.

Appellant’s App. p. 47.

early. The trial court granted Cambron's petition to modify over the State's objection on December 29, 2006, and modified her sentence so that she would serve only three years executed, which including good-time credit, would be eighteen months. On January 2, 2007, the State filed a motion requesting the trial court to reconsider and stay its ruling. The trial court denied the State's motion to reconsider on February 20, 2007. The State then filed its notice of appeal on March 6, 2007.²

Discussion and Decision

The State claims that the trial court erred in even considering Cambron's petition to modify her sentence because, according to the State, Cambron had to wait until she had served eighteen months incarceration before she could file such a petition. The State contends that, had Cambron waited until eighteen months to petition the trial court, the trial court would have had before it a larger picture of Cambron's behavior. In other words, by petitioning early, Cambron could benefit from early good behavior without necessarily having to maintain such behavior for a full eighteen months. The State, however, makes no real objection to the merits of the trial court's decision to grant sentence modification; it only argues that such was premature. If we were to agree with the State's argument, the logical remedy for the State's claimed error would be to reverse

² Cambron argues that the State failed to file a timely notice of appeal. The motions panel of our court has already considered and rejected this claim. Although we have inherent authority to reconsider any order of the motions panel while the appeal remains *in fieri*, we will not overrule such orders in the absence of clear authority suggesting that the motions panel erred as a matter of law. Cincinnati Ins. Co. v. Young, 852 N.E.2d 8, 12 (Ind. Ct. App. 2006), trans. denied. Here, we cannot say that the motions panel erred as a matter of law because the State's "motion to reconsider," after the entry of the final order, was in substance a motion to correct error. See Hubbard v. Hubbard, 690 N.E.2d 1219, 1220-21 (Ind. Ct. App. 1998). Moreover, the State's motion was filed within thirty days of the trial court's final order and was ruled on within the time limits for a motion to correct error. See Ind. Trial Rule 53.3(A) (2003). Additionally, the State filed its notice of appeal within thirty days of the trial court's order denying its motion.

and remand to require Cambron to wait until she had served eighteen months of her sentence before she could petition for sentence modification.

The problem with such a resolution is that this time has already passed. Eighteen months from the date of Cambron's sentencing, less fourteen days for time she had already served, was September 13, 2007.³ For this reason, we cannot grant the State the relief which would remedy the claimed error. The State refers to nothing which would suggest that the trial court's decision, had it been made after Cambron had served eighteen months, would have been any different. Under these facts and circumstances, the State's appeal is moot. See Hamed v. State, 852 N.E.2d 619, 621 (Ind. Ct. App. 2006) (noting the long-standing rule that a case is deemed moot when no effective relief can be rendered to the parties before the court). We therefore dismiss the State's appeal. See In re Lawrance, 579 N.E.2d 32, 37 (Ind. 1991) (noting that moot cases are usually dismissed unless the case involves questions of great public interest).

Dismissed.

NAJAM, J., and BRADFORD, J., concur.

³ According to Cambron, and corroborated by the Department of Correction's website, Cambron was released from prison on June 6, 2007. See <http://www.in.gov/apps/indcorrection/ofs/>.